

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINAFILED *E*

OCTOBER 10, 2003

Larry W. Propes, Clerk  
Florence, South CarolinaDate: OCTOBER 10, 2003Civil Case Number: 4:03-1733-12Judge: C. WESTON HOUCKDeputy Clerk: Maxine CampbellCourt Reporter: Vince RollandESR Tape: —Location: Florence Set for 10:00 a.m./p.m.Court Convenes: 10:00Court Adjourns: —

## CASE CAPTION:

NAACP et al -v- Shawnee Development et al

Plaintiff Counsel:

Charles Talisman  
Arnold Denfner

Defense Counsel:

Wm Reynolds Williams  
Hugh Willcox Jr.

## CIVIL MINUTES

Hearing HELD:

- ☒ Motion Hearing ( mhrgrms.)  
☐ Oral Argument on BK Appeal  
( oralargbkappms.)  
☐ Pretrial/Status/Schedule  
Conference  
( ptrl/stat/schedcnfms.)  
☐ Settlement Conference  
( stlmtcnf.)
- ☐ Oral Argument on Social Security Case  
( oralargssms.)  
☐ Show Cause Hearing ( showhrgrms.)  
☐ Bar Meeting ( bmms.)  
☐ Telephone Conference ( telecnfms.)

Document  
#

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DATE: OCTOBER 10, 2003

## CIVIL MINUTES

Continuation Page

NOTES: \_\_\_\_\_  
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	<u>Pla.</u>	<u>Deft.</u>
Brief(s) Due:	_____	_____
Proposed Findings Due:	_____	_____
Response/Reply Due:	_____	_____

## MOTIONS

Motion #: 4 Motion to Dismiss + for Summary Judgment  
☐ Granted ☒ Denied ☐ Under Advisement ☐ Moot / Withdrawn

Motion #: 6 Motion to Dismiss & Strike  
☐ Granted ☐ Denied ☐ Under Advisement ☐ Moot / Withdrawn

Motion #: 17 Motion for Summary Judgment  
☐ Granted ☐ Denied ☐ Under Advisement ☐ Moot / Withdrawn

Motion #: \_\_\_\_\_  
☐ Granted ☐ Denied ☐ Under Advisement ☐ Moot / Withdrawn

Motion #: \_\_\_\_\_  
☐ Granted ☐ Denied ☐ Under Advisement ☐ Moot / Withdrawn

NOTES: Court Calls Case

Mr. Williams - re: specific intent to discriminate Motion for summary judgment

Ct - plaintiff intended to allege discrimination

Mr. Dwyer - agrees

Ct - will not dismiss action, plaintiff can Amend Complaint if needs to

Mr. Williams - re: his affidavits filed that refute discrimination

Argues Motions

Mr. Talisman - opposition

re: Motion for Summary Judgment of def's.

10:27 Williams - argues # 4 Motion

Mr. Talisman - re: NAACP Standing  
opposition

10:30 re: NAACP Standing

NAACP Conway Branch first contacted of complaints of yacht's crew

10:34 Mr. Williams - responds

10:39 Court - wants to hear on Zone of interest

Mr. Williams - responds re: Complaint

Court - 1981, 2000A + state Statute

let me hear on Zone of interest + various Statutes

10:44 Mr. Talisman - responds

re: 2000A 2000C

re: Accommodations law

10:55 Ct - re: jurisdiction

re: dismissing & Amending Complaint

Talisman - responds

re: staying state law claim, No

10:56 Williams - responds

thinks there is a jurisdictional question

not against a stay Debious About whether we can do that

NOTES: 11:00 Court - re: Scheduling order

re: move discovery up

Counsel talk during break About

Moving discovery up

11:02 Break

11:33 Reconvene

Mr. Williams - re: discovery

Cutoff Disc. 4-15 all issues other

than economic injury

& Damages

Econ. inj & Damages

Stay 6-1

Court - responds

Someone write letter confirming deadlines

will be here for term 1st Monday May 2004

Can have status conference April

Motion to strike not heard yet

Mot. to dismiss or for Summary Judgment Denied

at this time

11:39

\* 6 Motion to Dismiss & Strike

Zone of interest 1981, 2000A state statute 45-9-10

no need to rule on organization standing

Denies Motion To Dismiss

re: association standing

NAACP has association standing

Motion to dismiss for lack of standing is denied

Denied as to Fed. claims 1981 & 2000A

60 day limitation is jurisdictional

45-9-10 filed before 60 days

Motion to dismiss same is granted.

Pltf Case Amend Dismiss & grant pltf  
Motion to Add back

NOTES: 11:49 - Court - Motion for Summary Judgment for failure to state a claim - Court Denies  
purpose discovery to pursue as  
Counsel have agreed on

# 6 Motion to Strike

Talisman - objects to Motion to Strike

11:52 Court - Continues Let's look at Complaint  
Pg. 3 Paragraph 7, 8 - doesn't fall in  
Any category that needs to be stricken  
Paragraph 27 - chain of fence  
has nothing to do with this case

Court requires Strike those 2 sentence

Paragraph 30, 31 - don't find objectionable

Paragraphs 32, 33, 34 - doesn't have anything  
to do w/ Complaint

11:57 Talisman - on paragraphs 32, 33, 34

It - not ~~prejudice~~ prejudice

Williams - are prejudice  
re: paragraph 35

Talisman - responds

12:01 It - Doesn't see any prejudice to defendant  
Complaint does not force jury I don't think  
this is a jury case

Will Leave in

Paragraph 46 - can't say that prejudices you

" 53 - " " " " "

" 63 " " " " "

" 82 " " " " "

" 83 - description of damages NAACP  
has incurred

12:04 Williams - re paras. 82-86 re: libel & dismissal

NOTES: Ct. only struck one about fence

Talisman - will not object to that.

Ct - Except to that motion to strike is denied

Williams - Not to Dismiss Waller

Ct - give plaintiff opportunity to explain

12:05 Adj. -